

Testimony of Martin Collacott before the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity and the Subcommittee on Emergency Preparedness, Science, and Technology of the Committee on Homeland Security of the United States House of Representatives in Bellingham WA on Tuesday, August 8, 2006

Mr. Chairman, I am speaking here today as a Canadian and will talk about issues of border security from the perspective of what I believe to be in the best interests of my country. In doing so I will refer to various measures Canada has taken to strengthen its security with regard to the threat posed by international terrorism. I will also mention some of the challenges faced by our government in responding to these threats. I outlined many of the problems that Canada has to contend with in a paper released earlier this year entitled *Canada's Inadequate Response to Terrorism: The Need for Policy Reform*. I should note, in this respect, that the paper was completed prior to the Canadian federal election in January which resulted in a new government taking office, and that I am pleased to say that the new government has demonstrated a greater commitment and determination to deal with the threat of terrorism than did its predecessor. As I will point out, however, much remains to be done.

Positive measures taken by Canada in the fight against terrorism

Without enumerating all of the positive measures taken by the Canadian governments since the events of 9/11, I will mention briefly some of the more important. These include the decision to send a contingent of troops to Afghanistan. They have been there for some time already and will remain there. They are in the forefront of the fight against the Taliban and al-Qaeda.

In addition, we passed counterterrorism legislation including measures to prevent terrorist fundraising. We have significantly increased funding for the Canadian Security Intelligence Service (CSIS) and Royal Canadian Mounted Police (RCMP) to enable them to strengthen their capacity for identifying, monitoring and prosecuting terrorists. This led inter alia to the arrest of 17 terrorist suspects in Ontario in early June and the revelation by the RCMP that it had earlier broken up at least a dozen terrorist groups in the previous two years.

Other important developments are that the RCMP, CSIS and other government agencies in Canada are now working more closely than ever before to coordinate their efforts in the fight against terrorism. They are also committed to maintaining close cooperation with their American counterparts, an example of which was the decision to expand the operations of the joint Canada-USA Integrated Border Enforcement Teams (IBETs).

One of the most noteworthy indications that our recently elected government is serious about cracking down on terrorists and their supporters was the decision in April to designate the Liberation Tigers of Tigers of Tamil Eelam (LTTE) as a terrorist group. Despite the fact that the LTTE is one of the most ruthless and brutal terrorist organizations in the world, the previous government had refused to add the LTTE to the

list despite three recommendations to do so by CSIS. The new government, in contrast, wasted little time after coming to office in naming the LTTE as a terrorist group as well as taking action against its various front organizations. I might add that the previous government had also been reluctant for a long time to place Hezbollah on the terrorist list and finally did so only after sustained pressure from the party that now forms the government.

Continuing challenges

In turning to the areas where there remains a need for major improvements in securing the security of Canada, I am going to concentrate on those that relate to how terrorists and their supporters have come to be present on our soil and are able to prolong their stay since these are issues that fall within the ambit of the policy areas I focus on. There are, of course, other important considerations that you address such as protection of critical infrastructure and emergency preparedness planning that I will not attempt to cover in my comments.

One of the greatest challenges for Canada in relation to the preventing terrorists from establishing themselves in our country is the size of our immigration program. Canada has the highest rate of immigration in the world in relation to the size of its population – more than twice that of the United States. If estimates of the number of illegal migrants who enter our two countries are also factored in, the margin might be slightly smaller – but the rate of intake in Canada would still be substantially higher on a per capita basis than that for the U.S.

An important difference between the Canadian and American immigration programs is that, while yours is organized largely around quotas that place a limit on annual inflow, ours are based on targets and, if the number of applicants who meet our requirements vastly exceeds the targets, we are still obliged to accept them, along with the expectation they will be allowed to come to Canada without too much delay. Our new government has, in the event, inherited a backlog of more than three quarters of a million successful applicants who were approved before it came to office (equivalent to about seven million people in the case of the United States) and which it is now obliged to allow to come to Canada for permanent settlement. In the circumstances, therefore, that immigration numbers are likely to reach even higher levels in coming years in an effort to reduce this backlog.

Added to these very large numbers is the fact that for the past 25 years there has been a serious decline in the economic performance of newcomers. Their earnings are significantly lower than those who arrived before 1980 as well as people born in Canada. Accompanying this decline has been a rise in poverty levels among newcomers, which used to be roughly the same as native-born Canadians, but are now more than twice as high. In the judgment of many observers, including myself, we are taking in far more newcomers than we need or can effectively absorb, with the result that the process of economic and cultural integration has seriously slowed down.

Accompanying these developments has been a dramatic increase in the number of visible minority neighbourhoods (defined by Statistics Canada as composed of more than 30% from a single ethnic group) consisting largely of recent immigrants. According to Statistics Canada, the number of such concentrations increased from six in 1981 to 254 in 2001. Such a milieu can, in some cases, provide a relatively benign environment for individuals with extremist views to meet and form terrorist cells – as happened in the case of the millennium bomber, Ahmed Ressaam, who had no difficulty making connections with others who held radical views among the concentrations of recent arrivals in Montreal from North African and Middle Eastern countries.

The very rapid increase in size of the Canadian Muslim population – from 100,000 in 1980 to 750,000 in 2005 combined with the importation of large numbers of radical mosque leaders from abroad (a phenomenon that has also occurred in the United States) also presents challenges. A senior official of CSIS recently acknowledged in connection with its counterterrorism program that it is currently monitoring about 350 high-level targets and around 50 to 60 organizational targets, adding that it is assumed there are at least ten more threats out there for every one that CSIS is aware of. At the same meeting of a Canadian Senate committee at which he made these statements at the end of May he also revealed that in recent years his organization has had the resources to screen only one tenth of the tens of thousands of immigrants who have come from the Pakistan-Afghanistan region.

On a more positive note with regard to immigration policy, the Canadian government has demonstrated resolve in its refusal to give in to pressures to grant status to large numbers of persons who are in Canada illegally. To regularize the status of such individuals inevitably leads to even larger numbers entering the country illegally in the hope that they will eventually receive the same treatment

Another feature of the Canadian scene that governments must contend with in dealing effectively with national security issues is a disposition in Canada to give particular weight to the rights of persons accused of crimes, who are claiming asylum or have been ordered deported, etc. While Canada has a strong and admirable tradition of support for human rights, there can often be tension between meeting national security needs and recognizing and protecting the rights of individuals. In times of war or on other occasions when there are other significant security concerns, such as the threat we are currently facing from terrorism, arriving at an acceptable balance between national security and individual rights can become increasingly difficult, often with the result that advocates on both sides are not satisfied with how particular issues are dealt with.

In the case of Canada, in my opinion, there has been a tendency – although with some notable exceptions - to give priority to the rights of individuals over national security considerations. In 2003, for example, it was revealed that Ottawa had lost track of 59 war criminals who were under deportation orders (a number that subsequently rose to 125). When security authorities asked that they be provided with names, pictures, and birthdates to facilitate the apprehension of these individuals, the federal minister of

immigration declined to release details on the basis, that according to Canada's privacy act, such a release would infringe on the right to privacy of those being sought.

Another example of our perhaps going to far in protecting the rights of individuals is illustrated by the case of Mohammad Issa Mohammad. Mohammad was ordered deported from Canada in 1988 after it was discovered that he was a convicted terrorist who had been admitted under a false identity. In order to delay removal, he lodged a claim to remain in Canada as a refugee. While it was rejected, his status as a failed refugee claimant entitled him to lodge various appeals and ask for reviews of his case. He is now in his eighteenth year of appeals and reviews and is arguing before a federal court that sending him back to his country of origin would constitute "cruel and unusual" punishment since public health care facilities there were not as good as those to which he has access in Canada.

The Canadian refugee determination system (i.e. asylum system in American terms) is beset with a variety of problems. With particularly generous definitions of who is a refugee - with the result that we have among the world's highest acceptance rates - making a claim for refugee status has been to date the favourite channel of entry for terrorists from abroad. While its significance in this respect may diminish to some extent if the phenomenon of home grown terrorists continues to increase, the refugee system nevertheless continues to be an area of concern because of the large numbers of people who use it to obtain permanent residence in Canada and who would otherwise be inadmissible.

Concluding remarks

In conclusion, I would like to look to the future in terms of what would be in the best interests of Canada as well, hopefully, as those of the United States with regard to border security. I hope that, in order to preserve and strengthen the very important bonds of friendship and the economic ties between our two countries, some day we will be able to have a common security perimeter that ensures reasonably smooth movement of people and goods across our common border. I realize that in order to accomplish this we would have to find ways of agreeing on standards and procedures that would satisfy both the security concerns as well as other priorities of our two countries and that this would require a good deal of hard work and probably some give and take on both sides.

In my comments today I have been frank in outlining both some of the strengths and the weaknesses of measures taken by the Canadian government in dealing with issues that have implications for security. I realize that you in the United States have very strong concerns about security in the face of threats from terrorism - probably stronger than in Canada - which is hardly surprising given that you were the targets of 9/11 as well as a good many other major attacks in various parts of the world. I should mention in this regard that convincing Canadians that it is important to strengthen our borders - primarily to strengthen our own security but also to reassure the United States that it is not threatened by individuals from our side - can at times be made more difficult when skeptics in Canada ask why Americans are so concerned about security along our border

when many Americans appear to be ambivalent about bringing an end to the massive flow of illegals across your southern border. It would, therefore, help people like myself, who are trying to convey the message to Canadians that border security is a matter of considerable importance, if the United States demonstrated clearly its determination to exercise full control over its border with Mexico. I trust you will accept these comments in the spirit of friendship and frank discussion between good neighbours in which they are intended.

Mr.Chairman, may I thank you and your colleagues for giving me the opportunity to speak to you today and I hope my comments have been of some use to you in your deliberations on border security.